

### REMARKS

In the Office Action of April 16, 2009, the Examiner withdrew the rejections of claims 1,2,4,5, 7-9 and 19-21, and maintained the rejections of claims 11-15 under 35 USC 112, first paragraph.

Claims 11-15 stand rejected under 35 U.S.C. § 112, first paragraph, for lack of enablement. The Examiner objected that the specification does not enable a vaccine comprising the isolated sequence of amino acids 17 to 233 of SEQ ID NO: 2, wherein the sequence provides prophylactic or therapeutic treatment of an infection or its clinical signs caused by an organism of the family Babesiidae. The Examiner has objected that the Specification is limited to the reduction of *Babesia canis*.

It is respectfully submitted that the present amendment to claim 11, which clarifies that the claimed vaccine provides protection against *Babesia canis*, overcomes this objection.

In view of the above, with the present amendments, it is believed that claims 1, 2, 4, 5, 7-15 and 19-21, all claims in the application, are in condition for allowance. Favorable action is solicited. The Examiner is requested to call the Undersigned if any issues arise that can be addressed over the phone to expedite examination of this application.

Applicants do not believe that any other fee is due in connection with this filing. If, however, Applicants do owe any such fee(s), the Commissioner is hereby authorized to charge the fee(s) to Deposit Account No. **02-2334**. In addition, if there is ever any other fee deficiency or overpayment under 37 C.F.R. §1.16 or 1.17 in connection with this patent application, the Commissioner is hereby authorized to charge such deficiency or overpayment to Deposit Account No. **02-2334**.

USSN: 10/563,601  
Attorney Docket: 2003.005 US  
Response to Final Office Action of April 16, 2009

Respectfully submitted,

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